



Docket No.: 50427-760

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Customer Number: 20277  
Junichi KAMIMURA, et al. : Confirmation Number: 6915  
Serial No.: 10/649,648 : Group Art Unit: 3721  
Filed: August 28, 2003 : Allowed: March 09, 2004  
: Examiner: Chukwurah  
For: ELECTRIC POWER TOOL

**REQUEST FOR ACKNOWLEDGEMENT OF THE CITED ART**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We are in receipt of the Notice of Allowance dated March 09, 2004.

In reviewing the file, it is noted that we have not received acknowledgement of the Information Disclosure Statement and cited art filed May 6, 2004. Enclosed are copies of the Information Disclosure Statement, PTO-1449 and stamped return postcard acknowledgement.

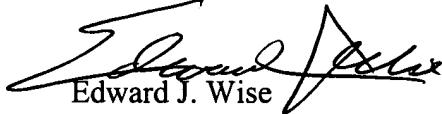
The Information Disclosure Statement filed May 6, 2004 authorized the Patent and Trademark Office to charge our Deposit Account the processing fee under 1.17(p) of \$180.00 and Applicants certified that they had known of the prior art less than 3 months. It is noted the second paragraph (which has been highlighted), of the Information Disclosure Statement filed May 6, 2004 incorrectly stated that "This Information Disclosure Statement is being filed within three months of the U.S. Filing date OR before

the mailing of a first Office Action on the merits. No certification or fee is required.” However, the second paragraph should have properly indicated that “This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee.” Accordingly, Applicants respectfully request that:

- (1) the appropriately acknowledged PTO-1449 be furnished to Applicants; and
- (2) the record be clarified to confirm that the cited art has been considered and made of record.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP



Edward J. Wise  
Registration No. 34,523

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**Date: June 8, 2004**

**BEST AVAILABLE COPY**

JUN 08 2004

Applicant <b>Junichi KAMIMURA, et al.</b>	Docket No. <b>50427-760</b>	Serial/Reg./Patent No. <b>10/649,648</b>
Title: <b>ELECTRIC POWER TOOL</b>		
Date Sent: <b>5/6/2004</b>	<input checked="" type="checkbox"/> Hand Carried <input type="checkbox"/> Fax <input type="checkbox"/> Electronic <input type="checkbox"/> Cert. of Mailing <input type="checkbox"/> Express Mail No.	Serial/Reg./Patent No. <b>10/649,648</b>
<input type="checkbox"/> Transmittal Letter		
New Patent App	<input type="checkbox"/> Utility <input type="checkbox"/> Design <input type="checkbox"/> Cont. <input type="checkbox"/> CIP	<input type="checkbox"/> Div. <input type="checkbox"/> PCT <input type="checkbox"/> RCE <input type="checkbox"/> Prov
<input type="checkbox"/> Other:	<input type="checkbox"/> Letter submitting _____ pages of drawings	
_____ pages of Specification	<input type="checkbox"/> Req. for Approval of Drawing Amendments	
_____ pages of Claims	<input type="checkbox"/> Req. for Oral Hearing	
_____ pages of Abstract	<input type="checkbox"/> Not of Appeal <input type="checkbox"/> Appeal Brief <input type="checkbox"/> Reply Brief	
_____ pages of Formal/Informal Drawings	<input type="checkbox"/> Rule 312 Amendment/Letter	
<input type="checkbox"/> Small Entity <input type="checkbox"/> Large Entity	<input type="checkbox"/> Req. for Acknowledgement of Cited Art	
<input type="checkbox"/> Declaration/Power of Attorney	<input type="checkbox"/> Issue Fee	
<input type="checkbox"/> Recordation of Assignment/Security Agreement	<input type="checkbox"/> Publication Fee	
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Req. for Certificate of Correction	
1 Form PTO 1449	<input type="checkbox"/> Maintenance Fee for _____ years after grant	
3 copies of cited references	<input type="checkbox"/> Fee Address Indication Form	
<input type="checkbox"/> Preliminary Amendment	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Response to Missing Parts Notice	<input type="checkbox"/> Petition to Commissioner	
<input type="checkbox"/> Resp. to Notice to Correct App. Papers	<input type="checkbox"/> Status Inquiry	
<input type="checkbox"/> Certified Copy of Priority Doc.	<input checked="" type="checkbox"/> Other <u>German Official Letter</u>	
<input type="checkbox"/> Claim for Convention Priority		
<input type="checkbox"/> Response/Amendment to Office Action of _____		
<input type="checkbox"/> Request for _____ month Extension of Time		

Check for \$	<input checked="" type="checkbox"/>	Charge Deposit Acct. 500417\$	180.00	Atty Init.	EJW	Tkpr. #	4237	Secy or PL:	PR. Gordon
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CMS Descrip.: **10-180**

THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.



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Docket No.: 50427-760

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Int'l Application of

Junichi KAMIMURA, et al.

Serial No.: 10/649,648

Filed: August 28, 2003

For: ELECTRIC POWER TOOL

: Customer Number: 20277

: Confirmation Number: 6915

: Group Art Unit: 3721

: Examiner: Chukwurah

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Information Disclosure  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with the provisions of 37 C.F.R. 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached form PTO-1449. It is respectfully requested that the references be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.

**REQUEST TO CONSIDER REFERENCES AFTER CLOSE OF PROSECUTION AND**  
**BEFORE PAYMENT OF ISSUE FEE**

The undersigned hereby requests consideration and entry of this Information Disclosure Statement and accompanying references under 37 CFR 1.97(d).

Please charge the processing fee under 1.17(p) of \$180.00 to Deposit Account 500417.

CERTIFICATION PARAGRAPH

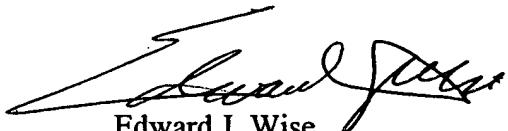
The undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement as described in 37 CFR 1.97(e)(1).

Each non-English language reference was cited in a corresponding foreign application search report or office action and its relevance discussed therein. A copy of the foreign search report or office action, together with an English language version thereof, is attached for the Examiner's information.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

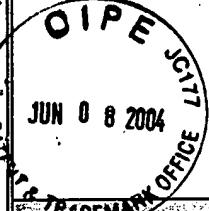
Respectfully submitted,

MCDERMOTT, WILL & EMERY



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600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
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Facsimile: (202) 756-8087  
**Date: May 6, 2004**

<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  (PTO-1449)				ATTY. DOCKET NO. <b>50427-760</b>	SERIAL NO. <b>10/649,648</b>		
				<b>APPLICANT</b> <b>Junichi KAMIMURA, et al.</b>			
				FILING DATE <b>August 28, 2003</b>	GROUP <b>3721</b>		
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER'S INITIALS	CITE NO.	Document Number Number-Kind Code <sub>2</sub> ( <i>if known</i> )	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear		
	US	1,397,530	11/22/1921	Lübeck			
	US						
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<b>FOREIGN PATENT DOCUMENTS</b>							
EXAMINER'S INITIALS	CITE NO.	Foreign Patent Document Country Codes-Number «-Kind Codes ( <i>if known</i> )	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Figures Appear	Translation	
						Yes	No
		DE 956 367	01/17/1957	Schroder et al.			
		EP 0 987 471 A2	03/22/2000	BORG-WARNER AUTOMOTIVE, INC.			
<b>OTHER ART</b> (Including Author, Title, Date, Pertinent Pages, Etc.)							
EXAMINER'S INITIALS	CITE NO.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.					
EXAMINER			DATE CONSIDERED				

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered.  
Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.